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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/387,569	09/01/1999	GEORGE POLITIS	169.1423	2749

5514 7590 03/13/2003

FITZPATRICK CELLA HARPER & SCINTO  
30 ROCKEFELLER PLAZA  
NEW YORK, NY 10112

EXAMINER

GOOD JOHNSON, MOTILEWA

ART UNIT	PAPER NUMBER
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2672

DATE MAILED: 03/13/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/387,569

Applicant(s)

POLITIS, GEORGE

Examiner

Motilewa A. Good-Johnson

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 05 February 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 1-75 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-75 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

1. This action is responsive to the following communications: application, filed on 09/01/1999; Amendment A, filed on 06/19/2002; Amendment B, filed on 02/05/2003.
2. Claims 1-72 are pending in the application. Claims 1, 14, 25, 38, 49 and 62 are independent claims. No claims have yet been amended.
3. The present title of the invention is "Region Based Image Compositing" (as originally filed by applicant).

### ***Continued Prosecution Application***

4. The request filed on 02/05/2003 for a Continued Prosecution Application (CPA) under 37 CFR 1.53(d) based on parent Application No. 09/387,569 is acceptable and a CPA has been established. An action on the CPA follows.

### ***Claim Rejections - 35 USC § 102***

5. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

6. Claims 1-76 are rejected under 35 U.S.C. 102(e) as being anticipated by Stone et al., U.S. Patent Number 5,479,603, "Method and Apparatus for Producing a Composite Second Image in the Spatial Context of a First Image", class 345/804, 12/26/1995.

As per independent claim 1, "a method of creating an image . . . comprising the steps of: dividing a space in which said outlines are defined into a plurality region . . . formed by segment of a virtual grid encompassing said space; Stone discloses in col. 4, table 1 and in lines 60-67, an image having a plurality of viewing operation regions, manipulating said regions to determine a plurality of further regions . . . region has a corresponding compositing expression; Stone discloses in col. 4, table 1, a first viewing operation having a non-composite portion and a viewing operation in the first viewing operation region; classifying said further regions according to at least one attribute of said graphical objects within said further regions; Stone discloses in col. 5, lines 34-38; modifying each said corresponding compositing expression according to a classification of said further region . . . ; Stone discloses in col. 5, lines 38-49; and compositing said image using each of said augmented compositing expressions. Stone discloses in figure 25; . . . compositing expressions being optimized by eliminating one or more objects within regions from one or more said corresponding expressions . . . without modifying said image . . . Stone discloses creating a second model of the original model and the second model having various implementations associated with the second

model and also discloses object data items in the original model not modified by the viewing operation or creating a list of only modified or unmodified object data items or which implementation is most efficient, col. 46, lines 1-18.

With respect to dependent claim 2, "... said attribute is selected from the group consisting of colour, opacity and object outline." Stone discloses in col. 16, lines 25-30, attribute data indicating a display feature such as fill colors, outline colors and other visible features, and in col. 23, lines 41-45.

With respect to dependent claim 3, "manipulating said regions comprises applying set operations to said regions." Stone discloses in col. 5, lines 34-38.

With respect to dependent claim 4, "... set operations include difference and/or intersection operations." Stone discloses in figure 25, operations for a composited image including difference and intersection operations, elements 29 and 61.

With respect to dependent claim 5, "... grid is regularly spaced and preferably orthogonally based." Stone discloses in figure 11, element 24.

With respect to dependent claim 6, "... grid is irregularly shaped." Stone discloses in col. 30, lines 56-57.

With respect to dependent claim 7, "... compositing expression is a hierarchically structure representation of the image." Stone discloses in table 1.

With respect to dependent claim 8, "image is at least in part a pixel -based image." Stone discloses in col. 1, lines 47-49.

With respect to dependent claim 9, "... a flag is stored to indicate whether data of an object is opaque or ordinary." Chauvin discloses in col. 30, lines 33-34.

With respect to dependent claim 10, “. . . compositing expression is optimized based on a value of said flag for contributing objects.” Stone discloses in col. 24, lines 19-33, a criteria selection data item which selects and displays a selected item from the model data structure and tags the object as the selected object.

With respect to dependent claim 11, “. . . wholly opaque object in said region acts to eliminate one or more objects within said region from said compositing expressions.” Stone discloses in col. 27, lines 44-46, that the viewing operation may be implemented on a transparent overlay.

With respect to dependent claim 12, “. . . wholly transparent object in said region eliminates at least itself . . .” Stone discloses in col. 24, lines 19-33, a criteria selection data and further discloses in col. 27, lines 44-47, that said viewing operation may be implemented in a transparent overlay, thus allow for transparent tagging or elimination.

With respect to dependent claim 13, “. . . modifying comprises modifying a manner in which said compositing expression is evaluated with modifying said hierarchically structured representation.” Stone disclose in col. 31, lines 1-39.

As per independent claims 14, 25, 38, 49 and 62, they are rejected based upon similar rational as above independent claim 1.

With respect to dependent claims 15-24, 39-48 and 63-72, they are rejected based upon similar rational as above dependent claims 2 and 5-13 respectively.

With respect to dependent claims 26-37, 50-61, they are rejected based upon similar rational as above dependent claims 2-13 respectively.

With respect to dependent claim 73-75, Stone discloses in col. 45, lines 10-38, creating what-if model changes and further disclose changes to the model such as adding objects, deleting objects from the model and replacing a display object with a different display object.

### ***Response to Arguments***

7. Applicant's arguments, see paper # 13, filed 01/06/2003, with respect to the rejection(s) of claim(s) 1-76 under Stone et al. have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground(s) of rejection is made in view of Stone et al.

Applicant argues that the region outline are substantially formed by segments of a virtual grid encompassing the space and modifying each expression according to a classification of each further region without modifying the image. Stone discloses creating a second model of the original model and the second model having various implementations associated with the second model and also discloses object data items in the original model not modified by the viewing operation or creating a list of only modified or unmodified object data items or which implementation is most efficient, col. 46, lines 1-18.

Applicant argues that the grid of the present application is virtual and exists in effect not in actual form and thus is not displayed. Stone discloses the grid used to manipulate objects in the boundary may remain fix in position relative to the image and when the viewing operation is moved the grid may be made to appear fixed but only

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displayed in the viewing operation region, col. 44, lines 17-38. Therefore, it would have been inherent that the grid provides a virtual representation to other objects in the image not contained in the viewing operation region with the displayed grid, col. 44, lines 17-38.

Applicant argues that a first viewing operation region positioned with a first image segment of a first image segment does not suggest outlines formed by segments of a virtual grid. It is inherent that the image segments and viewing operations are user interactive, and the image created or preferred to be illustrated may be an image formed by the grid disclosed in Stone without having the viewing operation region fixed for display.

Applicant further argues that Stone fails to disclose modifying each composition expression according to a classification and forming an optimized composition expression without modifying the image to be generated. Stone discloses creating a second model of the original model and the second model having various implementations associated with the second model and also discloses object data items in the original model not modified by the viewing operation or creating a list of only modified or unmodified object data items or which implementation is most efficient, col. 46, lines 1-18.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Motilewa A. Good-Johnson whose telephone number is



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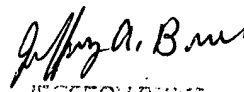
(703) 305-3939. The examiner can normally be reached on Monday-Friday 8:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mike Razavi can be reached on (703) 305-4713. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-6606 for regular communications and (703) 308-6606 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-4700.

Motilewa A. Good-Johnson  
Examiner  
Art Unit 2672

mgj  
March 7, 2003

  
JEFFERY BRIER  
PRIMARY EXAMINER